

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

GUY D. BRANSON,

Plaintiff,

v.

DR. SALEH ELSAIN, ET AL.,

Defendants.

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Case No. 6:19-CV-286-JDK-JDL

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Plaintiff Guy Branson, an inmate proceeding *pro se*, filed the above-styled and numbered civil rights lawsuit pursuant to 42 U.S.C. § 1983. This case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. On October 15, 2019, the Magistrate Judge issued a Report and Recommendation (Docket No. 32), recommending that the action be dismissed without prejudice for failure to prosecute and to obey the Court's order. *Id.* at 2–3. A return receipt indicating delivery to Plaintiff was received by the Clerk on October 23, 2019. Docket No. 34.

This Court reviews the findings and conclusions of the Magistrate Judge *de novo* only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a *de novo* review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).


Plaintiff did not file formal objections to the Magistrate Judge's Report and Recommendation. Plaintiff, however, has since filed two letters with the Court complaining of "voo-doo" victimization and brainwashing. *See* Docket Nos. 33, 35. These letters do not address the Magistrate Judge's Report and Recommendation or the Magistrate Judge's conclusions that Plaintiff failed to prosecute his case and to obey the Court's order. Thus, even if the Court construes Plaintiff's letters as objections, Plaintiff's objections are without merit.

Having reviewed the Magistrate Judge's Report and Recommendation, the Court adopts the Report and Recommendation of the United States Magistrate Judge (Docket No. 15) as the findings of this Court.

Accordingly, it is hereby **ORDERED** that the Magistrate Judge's Report (Docket No. 32) be **ADOPTED**. It is further

ORDERED that Plaintiff's lawsuit is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute and failure to obey the Court's order.

So **ORDERED** and **SIGNED** this **13th** day of **November, 2019**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE